

Chapter 4 – People and Activities in the Polling Place

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4.1 Electioneering

Electioneering is any activity that supports an election campaign.

Electioneering is illegal in the polling place. It is also illegal anywhere within 100 feet of the entrance and exit to the polling place. This is called the “No Electioneering Zone.” No electioneering or political activity may take place within the “No Electioneering Zone.” No campaign materials may be posted or handed out in this zone.

Election judges are not allowed to show support or oppose any campaign or political party while working at the polling place. You may not wear or display any political material. You may not share any political opinions while you are in the polling place or while performing the duties of an election judge.

“Electioneering” includes wearing clothing that supports or opposes a candidate, ballot issue, or political party.

Voters are allowed to wear clothing, buttons, or other items with a political message while they are voting. Voters in general, and especially those who are wearing clothing, buttons or other items containing political messages, are not allowed to linger in the polling place or within the “No Electioneering Zone” after voting.

All day, you should keep an eye on the activity outside the polling place. Tell anyone who is campaigning within the “No Electioneering Zone” to stay outside the marked boundary. If anyone refuses to stay outside the marked boundary, chief judges must call local law enforcement. Ask law officers to remove the person from the property. If voters leave political materials in the “No Electioneering Zone” or polling place, election judges must remove the materials right away.

Lawn signs or other campaign speech that is on private property adjacent to the polling place are legal even inside the 100-foot zone. However, sometimes the election judge or the Montgomery County Board of Elections can show a reason why materials need to be removed to prevent voter confusion, harassment, or intimidation. Election judges may ask property owners to move their campaign signs to areas beyond 100 feet. If property owners do not agree, tell the Montgomery County Board of Elections.



If you have any questions, ask the chief judges.

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4.2 Exit Polling

Organizations and individuals sometimes do “exit polling” to ask about how people voted. Exit polling is allowed within the “No Electioneering Zone” as long as the chief judges agree.

Persons conducting exit polling must:

- Stay outside the polling room.
- Not ask questions until after the voter has voted and left the polling room.
- Tell voters that they do not have to answer the questions.
- Not electioneer or campaign within the “No Electioneering Zone.”



Chief judges should try to allow exit polling. However, chief judges must also maintain order in and around the polling place. They may have to limit activities that cause delays or interruptions. Chief judges may choose an area for exit polling outside the polling room. They may also limit the number of people for each organization, or they may limit the number of groups polling.

4.3 Challengers and Watchers

Maryland law allows selected individuals to serve as challengers and watchers. Challengers and watchers represent candidates and political parties or can support or oppose ballot issues. Official challengers and watchers are election observers who are allowed to observe all election day activities in the polling place.

To be an official challenger and watcher, a person must have a signed certificate filled out by any of the following:

- The State Board of Elections
- A local board of elections
- A candidate (including filed write-in candidates)

- A political party
- Any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot

Challengers and watchers have the right to:

- Challenge a voter's identity.
- Be in the polling room at least 1/2 hour before the polls open.
 - If a challenger or watcher seeks to enter the polling place less than 30 minutes before polls open, they should not be admitted until polls open.
- Be in the polling room at any time when the polls are open.
- Be in the polling room during all the work of closing the polls. However, challengers and watchers must be inside the polling room **before** the polls close.
- Make a list of registered voters who have voted or individuals who have cast provisional ballots. They can take this list outside of the polling place.
- Stand where they can see and hear each voter as the voter checks in to vote. They should also be able to see the activities in the polling room. The chief judges will decide where challengers and watchers will stand. Chief judges do not have to put challengers and watchers right behind the check-in table. Challengers and watchers do not have to be able to see the screen of the pollbooks.
- During the day, challengers and watchers may ask:
 - One of the chief judges to go with them to a scanning unit to check the tamper tape and see the public counter. They can only go near the scanning unit when it is not being used, and only the chief judge may touch the scanning unit during this process.
 - One of the check-in judges to allow them to see the number of voters who have been checked in to vote. This number is at the bottom center of the "Find Voters" screen of the pollbook. Only an election

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judge may operate the pollbook during this process, and the challenger or watch should not be permitted to touch the device.

If the polling place is very busy, chief judges are allowed to ask challengers and watchers to wait. Chief judges should let challengers and watchers look at the scanning unit or pollbook when the polling place is less busy.



Except as described above, a challenger and watcher may not move about the polling place during voting hours. A challenger and watcher who wants to talk with a voter must do so outside the polling place and outside the “No Electioneering Zone.”

In addition, a challenger and watcher cannot attempt to:

- Find out how a voter voted or intends to vote.
- Talk with any voter in the polling room.
- Help any voter with voting.
- Interfere with the election process.
- Keep any voter from talking to an election judge.
- Challenge the action of an election judge.
- Physically touch an original election document or any ballot marking device, scanning unit, or pollbook.
- Use a cell phone, laptop, pager, or other electronic device in the polling place.



If the presence of challengers and watchers would keep the polling place from opening on time, the chief judges may ask the challengers and watchers to leave until the polling place is open and operating. More than half of the election judges at the polling place must agree.



Chief judges may remove any challenger or watcher who does not obey the rules listed above. Chief judges may also remove any challenger or watcher who interferes with the election judge’s work or who does not obey an order from an election judge.

Figure 1 – Challenger & Watcher Certificate

State of Maryland
Challenger & Watcher Certificate

Part I – Instructions and Information

Instructions to Designating Candidate or Entity: You may designate a Maryland registered voter as a challenger and watcher if you are: (a) a candidate; (b) a political party; or (c) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot. *(To be eligible, the group of voters must form a political committee under section 13-207 of the Election Law Article.)*

Before designating any individuals, please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available at www.elections.state.md.us/get_involved/index.html). Please provide the State Board's instructions to any individual you designated as a challenger and watcher.

Instructions to Challenger and Watcher: Please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available from your designating candidate or entity or at the website listed above). You must have this certificate when you are acting as a challenger or watcher; you will not be permitted to remain in the voting area without a signed certificate. Give an extra copy of this signed certificate to the election judges when you arrive at an early voting center or polling place.

As a challenger and watcher, you have the right to:

- Enter the voting area at least (but no later than) 30 minutes before voting hours begin;
- Enter or be present in the voting area at any time during voting hours;
- Remain in the voting area until all post-voting tasks have been completed and the election judges leave the voting area;
- Maintain a list of registered voters who have cast a ballot or individuals who have cast provisional ballots;
- Enter and leave the voting area to take outside information that identifies individuals who have cast ballots; and
- Be positioned near the election judges so that you may see and hear each voter as the voter checks in to vote.

You cannot attempt to: (a) determine how a voter voted or intends to vote; (b) talk with any voter in the voting area; (c) assist any voter in voting; (d) physically handle an original election document or equipment; (e) interfere with the election process or impede a voter's access to election judges; or (f) use a cell phone, laptop or other electronic equipment in a voting area.

You may be removed by an election judge if you do not follow an election judges' order or attempt a prohibited act.

Part II – Certificate Designating Challenger and Watcher

I/We certify that _____ has designated _____, a
Name of Designating Candidate or Entity Name of Challenger/Watcher
 registered voter, to act as a challenger or watcher for the ☐ 20____ Primary Election OR ☐ 20____ General Election.
(check only one)

This individual will act in this capacity ☐ on election day (complete Part A) and/or ☐ during early voting (complete Part B).
(check all that apply)

Part A: I/We designate this individual as a Challenger or Watcher for the following precinct(s) on election day:

District/Precinct or Ward/Precinct	Name of County or Baltimore City

Part B: I/We designate this individual as a Challenger or Watcher on the following days and at the following early voting locations:

Early Voting Dates	Name of Early Voting Center	Name of County or Baltimore City

Signature of Designating Candidate or Officer of Designating Entity

Office Sought by Candidate

Date

SBE 10-312 Rev. 9/2011



The right of a person to vote may ONLY be challenged on the grounds of identity. The challenge must be made before the person is given a voter authority card, a ballot, or a ballot activation card.

4.4 Voter Identity Challenges



This is a chief judge function only. A chief judge must follow all procedures for challenging a voter's identity.

The right of a person to vote may **ONLY** be challenged on the grounds of identity. The challenge must be made **before** the person is given a voter authority card or a ballot.

Anyone, whether an official challenger or not, is allowed to enter the polling room for the sole purpose of challenging the identity of other people trying to vote. An unofficial challenger must follow the same rules as an official challenger, but a non-official challenger must leave the polling place as soon as the challenge is made. A majority of election judges may decide to limit the number of challengers in the polling place.

Election judges may also challenge the identity of a person trying to vote. If this happens, a chief judge must follow all the rules for challenging a voter's identity. Election judges are not required to leave the polling place after a challenge.

If a voter's identity is challenged:

1. Ask the voter for an acceptable form of ID. **The following are acceptable forms of ID:**

- The person's voter registration card
- The person's social security card
- The person's valid Maryland driver's license or MVA ID Card
- Any ID card issued by the federal, State, or local government
- Any employee ID card that contains their photograph and is issued by the employer
- A copy of a current bill, bank statement, government check, paycheck, or other government document that shows the name and current address



The person's social security card is an acceptable form of ID for a challenged voter. A social security card is not an acceptable form of ID for a voter whose "status" is "pending" ("Pend1" or "Pend2") in the pollbook.

2. If the voter presents an acceptable form of ID, tell the voter to return to the check-in line to continue the check-in process.
3. If the voter cannot present an acceptable form of ID:

- The challenger and challenged voter must each complete their part of the *Affidavit for Challenger & Challenged Voter* form. The chief judge must watch the challenger and challenged voter sign the affidavit. The chief judge may provide extra information in Part III of the form. The Affidavit for Challenger & Challenged Voter form is located on the chiefs judges' table.
 - Have the voter return to the check-in line to be checked in as a provisional voter. (Use provisional reason code #8 "Identity challenged and cannot provide an acceptable form of ID").
 - Take the voter to the provisional ballot judge.
 - Tell the provisional ballot judge to attach the *Affidavit* to the outside of the voter's provisional ballot envelope.
4. If election judges believe a challenger or watcher is making challenges that are not supported by actual information about the voter's identity, call the Montgomery County Board of Elections office for help.
 5. The chief judge should write the details of the challenge in the *Chief Judges' Election Day Log*.

4.5 Individuals Dressed or Equipped as Officials

Special rules apply to people who are wearing clothes or equipment that make them appear as they are performing an official government function. No one can wear clothes or equipment that might give such an impression unless they actually are serving in an official, election-related capacity (but not as a challenger or watcher), or qualify for one of the exceptions listed below.

Clothes or equipment that may make someone appear they are performing an official government function include:

- Wearing a public or private law enforcement or security guard uniform.
- Wearing an armband.
- Carrying or displaying a gun or badge.

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There are exceptions. Law enforcement officers, military personnel, or security guards who are on duty, traveling to or from duty, or who are performing an official government function (including securing ballots) may vote while wearing a uniform and/or carrying or displaying a gun or badge.

4.6 Polling Place Evaluators

The Maryland State Board of Elections or the Montgomery County Board of Elections may send people to visit polling places without advance notice. These evaluators will check to see how well the election judges are following the rules. They will check the election judges' general performance.

Evaluators use a *Polling Place Evaluation Form* when visiting polling places. During the visit, evaluators may speak with election judges and inspect reports. Evaluators are not allowed to slow down or interrupt the voting process, but otherwise must be given access to the polling room.



All visitors in the polling place must sign the Polling Room Sign-in sheet.